



Chairperson: Bob Wyatt, NW Natural
Treasurer: Frederick Wolf, DBA, Legacy Site Services for Arkema

June 29, 2012

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U.S. Environmental Protection Agency, Region 10
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Portland, OR 97205

Kristine Koch
U.S. Environmental Protection Agency, Region 10
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**Re: June 22, 2012 EPA Directed Modifications and Additional Comments on Baseline
Human Health Risk Assessment (Lower Willamette River, Portland Harbor
Superfund Site, USEPA Docket No: CERCLA-10-2001-0240)**

Chip and Kristine:

On June 22, 2012, the LWG received EPA's letter to Bob Wyatt regarding "Directed Modifications and Additional Comments on Baseline Human Health Risk Assessment dated May 2, 2011." The letter advised the LWG that EPA has determined that, although the May 2, 2011 BHHRA "showed an attempt to address most of EPA's comments and concerns on previous versions," the LWG nevertheless "failed to perform in accordance with the requirements of the" Administrative Settlement Agreement and Order on Consent (Consent Order). The letter also directed the LWG to revise the May 2, 2011 Draft Final Baseline Human Health Risk Assessment (BHHRA) within 30 days by "incorporating all of EPA's modifications...and directed comments."

The LWG disagrees that it is in violation of the Consent Order. As you know, the Consent Order requires the LWG to notify EPA that it is disputing directive comments from EPA within 14 days of receipt of the direction. Based upon the manner in which EPA's comments were delivered and the volume of changes EPA is directing, however, the LWG needs additional time to evaluate EPA's allegations and directed revisions and prepare responses. Therefore, the LWG hereby requests an additional 30 days, until August 6, 2012, to invoke dispute resolution on EPA's determination that the LWG is in violation of the Consent Order and on the directed revisions to the BHHRA. The LWG further requests a 90 day extension, until September 21, 2012, to EPA's deadline for submission of the revised BHHRA and asks EPA to confirm that EPA's June 22 letter was not intended to suggest that stipulated penalties have accrued or are accruing prior to the deadline for submission of revisions directed in that letter.

Please let us know whether this request is acceptable to EPA. If EPA does not grant the extension, the LWG respectfully invokes dispute resolution because, among other reasons, the May 2, 2011 Draft Final BHHRA was revised consistently with agreements between EPA and the LWG (including agreements reflected in the LWG's General Responses to EPA Directive Comments on the Baseline Human Health Risk Assessment dated September 15, 2010 (acknowledged by EPA on September 22, 2010), the LWG's General Responses to EPA's Non-Directed Comment Key Issues on the Baseline Human Health Risk Assessment dated November 18, 2010 (acknowledged by EPA on December 8, 2010), and the LWG's response to EPA's general comments on the RI, BHHRA and BERA dated January 12, 2011 (acknowledged by EPA on February 25, 2011)), and the LWG has therefore complied with the Consent Order and all prior directives of EPA.

Sincerely,



Bob Wyatt

cc: Confederated Tribes and Bands of the Yakama Nation
 Confederated Tribes of the Grand Ronde Community of Oregon
 Confederated Tribes of Siletz Indians of Oregon
 Confederated Tribes of the Umatilla Indian Reservation
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Nez Perce Tribe
 Oregon Department of Fish & Wildlife
 United States Fish & Wildlife
 Oregon Department of Environmental Quality
 LWG Legal
 LWG Repository